

**EXHIBIT 8**

**Fenner, et al., v. News Corporation, et al.**

**No. 09-cv-9832 (LGS)**

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**Kennedy Declaration, Exhibit 8**

**Approx. June 2008**

**Zachary Haberman (“ZH”):** You have nothing going on. I have asked you repeatedly to check other case files.

**Ikimulisa Livingston (“IL”):** And I do check other case files

**ZH:** We need to be checking this stuff. You haven’t had an actual story involving your name on Sean Bell since April 25<sup>th</sup>. And this is – this is your case. You should have been all over this thing.

**IL:** Well, I think that you know from before the trial began that Sean Bell’s parents do not like The Post. They do not talk to the Post.

**ZH:** It doesn’t matter if they don’t want to talk to us Kim. It’s – if you were checking the case file, then you would have found it yourself.

**IL:** What case file? What case file is that in? That’s not a case file. And besides, that case is closed. That case is sealed.

**ZH:** Those letters don’t go in – get put into the docket like everything else?

**IL:** No, what, no, that case is sealed. That would go to the court people. To the court officers.

**ZH:** Weren’t they sent to the judges?

**IL:** No, it had nothing to do with the judge. It didn’t even mention the judge.

**ZH:** Well, then I misread it. I thought it was sent to the judge, or the court officer.

**IL:** No.

**ZH:** Either way it just shows that nobody is talking to you out there.

**IL:** Well, it shows that Sean Bell’s parents don’t talk to me.

**ZH:** No, no it has nothing to do with Sean Bell’s parents. It’s not exclusive to Sean Bell’s parents. It shows that nobody is talking to you out there.

**IL:** People in Queens Courts talk to me. Now, I’ve had numerous stories that you all just don’t run. I don’t understand why it is I wrote a very nice story about that lawsuit that

turned into three inches and [unintelligible]. It's a good story about that lawsuit, that Delta thing, but this woman died and they just messed up the 80<sup>th</sup> birthday party. I mean I don't understand why these things don't make it.

**ZH:** I'm sorry. This thing about her being her 80<sup>th</sup> birthday party. That woman, I do remember ever seeing that in there.

**IL:** That's in today's paper about a Delta fucking up some 80<sup>th</sup> – I'm sorry, I don't mean to curse – but Delta messing up this woman's 80<sup>th</sup> birthday party and they filed a lawsuit. I mean, this woman died and we didn't even run, we ran three graphs about it. But, you know, the other thing is that Sean Bell's parents do not talk to the Post and you know this. I mean –

**ZH:** Yes, they do. But this just isn't about Sean Bell's parents. You could have gotten that story from the court officers. You could have gotten that story from a court clerk. You could have gotten that story a lot of different ways. It's just, you're not – it's just it doesn't seem like you are asking these questions. It doesn't seem like you are talking to these people. It really seems like you're just sitting there waiting for somebody to just drop something in your lap.

**IL:** No, that's not the case.

**ZH:** Kim, I'm just telling you. This is not something to argue. This is just what it looks like.

**IL:** No, no, I'm telling you -- you are saying what it looks like. I'm telling you what is actually going on. I roam around this court house all day long or I go to the Sutphin court house to look for lawsuits that you all don't run, if I do come up with something that isn't a slip and fall. So, you know, I am working hard trying to find something but, also, these things like Mr. and Mrs. –

**ZH:** How come these stories seem to be finding Nicole [Bode, the Queens courthouse reporter for *The Daily News*] and not you?

**IL:** Well if Mr. and Mrs. Bell talks [*sic*] to Nicole and they don't talk to me, yeah, that story is going to find her.

**ZH:** Alright, I just don't think it has – I don't think it's exclusive to Bell's parents. I just don't. You know, I'm sorry you don't see it that way. I don't see it as exclusive to those parents. I just don't. It's really – it's just how it comes across. It really comes across –

**IL:** Ok, well, if that's how it comes across –

**ZH:** These things seem to always go to her, never to you.

**IL:** No, these things don't always go to her, but I am telling you that things in relation to Mr. and Mrs. Bell do go to her because they do not trust the Post.

**ZH:** I don't care about the Bell parents. That's enough. I've heard it three times already. I know, they don't like us. I got it.

**IL:** Okay, I am glad you understand that.

**ZH:** In March, I understood that.

**IL:** Okay.

**ZH:** But I'm talking about every other story. They always seem to land in Nicole's lap. Whatever you're doing, maybe you are not talking to the right people.

**IL:** I know we're talking about – I know you're referring to Bonelli, but what every other story? What every other story are you referring to?

**ZH:** Any other story. Kim, what's the last thing you broke in there? I know you have the Essence thing, but that wasn't a court story. It was a good story but it wasn't a court story.

**ZH:** I'm sorry, I didn't catch what story you were referring to.

**ZH:** What's that?

**IL:** What story are you referring to?

**ZH:** Your essence story.

**IL:** Oh yeah.

**ZH:** Hang on one second. Sorry.

**IL:** Okay. No, no, I didn't understand what you were saying but, yeah that was also, that was a Bell story. And there was a story that I did just before the trial began that nobody else had in regards to the –

**ZH:** Yeah, I know that. I know that. But it didn't come out of the court. It was a great story.

**IL:** No, it did come out of the court.

**ZH:** It was a great find, you can't say anything about that. I told you it was a great find.

**IL:** I'm not talking about the Essence story. I am talking about another Bell story that did come out of the court documents.

**ZH:** Which one?

**IL:** This is the fact that it had not been reported anywhere else that the group was looking for sex after they came out of the club. That the cops overheard them asking for a girl for sex. But that was something that didn't come out from anywhere else other than –

**ZH:** I think that was before my time.

**IL:** Well before your time or not that is something else I –

**ZH:** Okay, but I'm talking to you about since I've been here. That was before my time. I've been here four months and Nicole is doing everything other than, you know –

**IL:** I'm sorry but Bonelli and – So, Bonelli and this other story?

**ZH:** I understand the Bell parents thing. You're never going to hear me say anything about that. I've already told you I understand that. But I am talking about everything else.

**IL:** I think everything else is Bonelli.

**ZH:** You're the only one – I don't know if you read the paper every day, but you are not the only one whose stories are getting cut down to shit. Other people's are.

**IL:** I do realize that.

**ZH:** The only thing we have room for nowadays to get any space are really good page ledes. So, if you want to make that your focus, to find a really good page ledes as opposed to just sitting around waiting for press releases, I would do that. I would be poking my head into every courtroom, seeing what's going on, because you have no other real cases going on right now. I would be checking court files every day. I would be checking the case file for certain stories. Every day, to see if something got put in.

**IL:** And I am doing that, as well as going to the Sutphin courthouse, looking for lawsuits, and I am sitting in – there is a trial that opened today in Lewis' courtroom, but it's just a CPW [criminal possession of a weapon], so that doesn't look like a big deal. That doesn't seem like anything news worthy to me. There's a murder trial that's in the middle of things, but it's not really a big deal. There is – I mentioned to you this trial in June that just started with jury selection. They'll open on Friday. So, I am keeping an eye on everything, but, so far, you all, you don't want stories on these things. So, you know, I am doing what I can with what there is here.

**ZH:** That's fine, but when there is – but there is interesting stuff that happens all the time in the courthouse that isn't necessarily just what is happening in the courtroom. You know, are the court officers your best friends in there?

**IL:** They're my best friends.

**ZH:** They know everything that's going on. They should be able to point you in the right direction. You know the clerk –

**ZH:** I know the court officers by name.

**ZH:** It seems like you need someone else pushing you along here.

**IL:** No, I know the court officers by name. I have, uh, Crystal and I – who is a court clerk – talk about knitting all the time. Some of the others.

**ZH:** I don't care about that.

**IL:** No, I know you don't care about it, but you are saying that I don't know these people and I – a

**ZH:** Talking about knitting doesn't mean that it actually winds up being anything in this goddamn paper.

**IL:** No, no, but you are saying that I don't know people, and I'm telling you that I do know people here, and I am talking to people on a daily basis. So –

**ZH:** Okay, okay, but we would like to see it translated to great copy.

**IL:** Well, I would like to see great copy coming out of some of this, too, if there is something newsworthy to come from it.

**ZH:** Okay, I don't think you need to be angry –

**IL:** I'm not angry, but I am telling you, I'm defending myself, and I think I have every right. I'm not defending myself angrily –

**ZH:** You don't need to defend yourself angrily. [Inaudible] It keeps happening.

**IL:** I am explaining to you, and I am countering some of the things that you are saying, and you are taking offense to my defending myself.

**ZH:** I'm not taking offense.

**IL:** Okay, then I misunderstand what you are saying.

**ZH:** You know, I'm expressing my frustration.

**IL:** And I'm expressing my –

**ZH:** It's not singular. This is – this is an annoying situation. You know, constantly getting beat is not fun.

**IL:** I'm not constantly getting beat.

**ZH:** It's happening. It's happened a lot on the last week and a half.

**IL:** It happened twice. It happened with this story and Bonelli.

**ZH:** Twice is too many.

**IL:** Okay, twice is too many. But that's not every day. That's not consistently. That's – it happened. It's a fluke if that's what it is, but it happened with this Bell story and I think you understand the reasons behind that and –

**ZH:** [unintelligible] I will not accept that as an excuse.

**IL:** Okay, alright, fine. But I am glad that you do acknowledge that.

**ZH:** I know, believe me, I told you this. I'll never say anything to you about the Bell parents. I know their feelings about this paper.

**IL:** Okay, alright, I appreciate that, alright.

**ZH:** I've got to run though.

**IL:** Bye, bye